

FILED

September 18, 2024

HON. BRUCE J. KAPLAN, J.S.C.

IN RE: FOSAMAX ®
LITIGATION

:
: **SUPERIOR COURT OF NEW JERSEY**
: **LAW DIVISION: MIDDLESEX COUNTY**
:
: **CASE NO. 282**
:
: **LAW DIVISION**
:
: **Docket No. MID-7153-14**
:
: **CASE MANAGEMENT ORDER**
: **August 29, 2024**
: **CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on August 29, 2024, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 18th day of September 2024, **ORDERED** as follows:

1. **DECEASED PLAINTIFFS**

a. The cases listed in the attached Exhibit A were listed in Exhibit A of the July 16, 2024 CMO as including a deceased Plaintiff for which there has been no substitution of an authorized Personal Representative and for which an extension to effectuate that process has not been requested to the Court. Accordingly, the cases identified in the attached Exhibit A are hereby dismissed without prejudice. If Plaintiffs do not move to reinstate and move pursuant to

R. 4:34-1 to substitute an authorized Personal Representative for the Estate of a deceased Plaintiff identified on Exhibit A within 60 days of the date of this Order, counsel for Defendants may file a motion to dismiss those cases with prejudice.

b. The cases listed in the attached Exhibit B were listed in Exhibit A of the July 16, 2024 CMO as including a deceased Plaintiff for which there has been no substitution of an authorized Personal Representative but Plaintiff's counsel has represented that they intend to file a motion for substitution of an authorized Personal representative in the immediate future. For those cases identified in the attached Exhibit B, if Plaintiffs do not move to either dismiss the Plaintiff's claims without prejudice or move pursuant to R. 4:34-1 to substitute an authorized Personal Representative for the Estate of the deceased Plaintiff by October 31, 2024 the claims of that Plaintiff will be dismissed without prejudice. This deadline may be extended by the Court if plaintiffs' counsel files a motion to extend and demonstrates good cause.

2. STATUS OF PLAINTIFFS

Plaintiffs' counsel shall continue to identify for the court and Defense counsel those Plaintiffs who are deceased and do not already appear on Exhibits of prior Case Management Orders. Plaintiffs' counsel shall continue in their efforts to determine the status of their clients and update defense counsel and the court accordingly

/s/ Bruce J. Kaplan

THE HONORABLE BRUCE J. KAPLAN

All dates were consented to by all counsel in this litigation at the case management conference held on August 29, 2024.

EXHIBIT A

August 29, 2024 CMC Case Management Order: EXHIBIT A

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Cox, Mae Frances	Anapol Law Firm	L-8350-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating they still are trying to locate family
Figaniak, Jacqueline	Anapol Law Firm	L-8979-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating they have been in touch with family and request additional time to process
McGill, Roberta Jean	Anapol Law Firm	L-8351-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating they still are trying to locate family
Morton, Dorothy	Anapol Law Firm	L-8421-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating they still are trying to locate family
Tave, Florence B.	Anapol Law Firm	L-6712-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating they still are trying to locate family
Bivens, Veronica	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8224-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Fredine, William	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8796-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Gray, Joyce	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8336-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Hall, Karen	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8396-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Hyde, Patricia	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-7566-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Linn, Charlotte	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-9283-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Lister, Joan	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8382-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Paglia, Louise	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8878-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Paynter, Janette	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8420-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Standridge, Betty J.	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8222-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension
Hassing, Yoko	Goza Honnold	L-9687-14	6/5/2024 - Letter Notice of Deceased Plaintiffs (updated to include Hassing) 7/3/2024 - Email from plaintiff counsel requesting 30 day extension
Ferry, Margaret	Beasley Allen	L-7822-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 9/3/2024 - Email from plaintiff counsel indicating case can remain on Exhibit A
Shiffer, Bonnie	Bern Ripka LLP	L-7634-14	6/3/2024 - Letter Notice of Deceased Plaintiffs
Thompson, Arvis	Bern Ripka LLP	L-6254-19	6/3/2024 - Letter Notice of Deceased Plaintiffs
Waldman, Anita	Bern Ripka LLP	L-7127-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from C. LoPalo (Napoli) indicating case was transferred to Bern Ripka firm
Klote, Jean Barbara	Bernstein Liebhard LLP	L-7595-14	6/3/2024 - Letter Notice of Deceased Plaintiffs
Krish, Pauline Elizabeth	Bernstein Liebhard LLP	L-8106-14	6/3/2024 - Letter Notice of Deceased Plaintiffs
Northcutt, James Emmit	Bernstein Liebhard LLP	L-7591-14	6/3/2024 - Letter Notice of Deceased Plaintiffs
Ribas, Florence Mary	Bernstein Liebhard LLP	L-8873-14	6/3/2024 - Letter Notice of Deceased Plaintiffs
Bathalter, Joyce	Cory Watson	L-1416-15	6/4/2024 - Letter Notice of Deceased Plaintiffs
Clausing, Barbara	Cory Watson	L-7946-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Jarmie, Marilyn	Cory Watson	L-7541-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Madron, Donna	Cory Watson	L-7562-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Mason, Karen	Cory Watson	L-8245-14	6/4/2024 - Letter Notice of Deceased Plaintiffs

Plaintiff Name	Plaintiff Counsel	Case No.	Status
West, Ruth Ann	Cory Watson	L-8720-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Yarbrough, Carolyn	Cory Watson	L-7654-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Holmquist, Laurel	Douglas & London	L-9095-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Passenant, Marie	Douglas & London	L-9098-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Stinson, Verna	Douglas & London	L-6773-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Thomas, Patricia	Douglas & London	L-9104-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Aldridge, Janice	Levin Papantonio	L-7767-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Carney, Marie	Levin Papantonio	L-6764-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Fountain, Laurie	Levin Papantonio	L-7685-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Jean, Pauline	Levin Papantonio	L-6928-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Johnson, Lavonne	Levin Papantonio	L-9336-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Kahn, Elizabeth	Levin Papantonio	L-7497-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Mathewson, Gertrude	Levin Papantonio	L-6944-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Mitchell, Carolyn	Levin Papantonio	L-8681-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Patrick, Martha	Levin Papantonio	L-8782-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Roth, Elaine	Levin Papantonio	L-7155-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Vinces, Gudys	Levin Papantonio	L-9351-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Moore, Elsie Imogene	Locks Law Firm LLC	L-7410-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating no viable heirs; okay to dismiss
Caponigro, Mary Ellen	Lopez McHugh	L-8167-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Lagrimas, Vivian	Lopez McHugh	L-7116-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Shepp, Garth Jill	Morelli Allers Ratner	L-7550-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Bass, Dixie F.	Oshman & Mirisola	L-6821-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Brand, Betty B.	Oshman & Mirisola	L-8592-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Cupps, Ann C.	Oshman & Mirisola	L-7883-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Hubbard, Ruby Sue	Oshman & Mirisola	L-6740-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Glaze, Judith Ann	Pro Se	L-7267-14	6/5/2024 - Letter Notice to Judith Glaze's daughters 6/14/2024 - Email from daughters indicating they intend to pursue case but need to locate counsel; will follow up in 2 weeks regarding status
Besden, Thelma	Rheingold Valet	L-7150-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 7/12/2024 - Email indicating plaintiff will not agree to dismiss; motion to dismiss to be filed
Kreider, Dorothy	Robinson Calcagnie	L-7826-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Tworek, Nancy	Robinson Calcagnie	L-8640-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Ball, Hazel	Seeger Weiss	L-9160-14	6/4/2024 - Letter Notice of Deceased Plaintiffs

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Bowling, Vina	Seeger Weiss	L-2365-15	6/3/2024 - Letter Notice of Deceased Plaintiffs 6/25/2024 - Email from plaintiff counsel indicating Beasley Allen is on this case with Seeger Weiss 9/3/2024 - Email from plaintiff counsel indicating case can remain on Exhibit A
Bruskiewicz, Jacqueline	Seeger Weiss	L-6731-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Chura, Mary T.	Seeger Weiss	L-8853-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating that next of kin has confirmed case can be included on Exhibit A 9/3/2024 - Email from plaintiff counsel indicating case can remain on Exhibit A
Connor, Jane H.	Seeger Weiss	L-6847-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating that next of kin has confirmed case can be included on Exhibit A
Dowling, Suzanne	Seeger Weiss	L-9159-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Gach, Rachelle D.	Seeger Weiss	L-7730-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating that next of kin has confirmed case can be included on Exhibit A 9/3/2024 - Email from plaintiff counsel indicating case can remain on Exhibit A
Gardner, Doris	Seeger Weiss	L-2367-15	6/4/2024 - Letter Notice of Deceased Plaintiffs
Kwiatek, Agnes	Seeger Weiss	L-7631-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Michimoto, Eleanor T.	Seeger Weiss	L-6771-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating that next of kin has confirmed case can be included on Exhibit A
Pieschke, Lorraine Cooke	Seeger Weiss	L7393-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Pruess, Marilyn	Seeger Weiss	L-8296-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating that next of kin has confirmed case can be included on Exhibit A
Rawlins-Fleming, Ann	Seeger Weiss	L-7351-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Sutherland, Joan	Seeger Weiss	L-7439-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Tedder, Bessie	Seeger Weiss	L-7228-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Gentry, Betty Sue	The Michael Brady Lynch Firm	L-8202-14	6/4/2024 - Letter Notice of Deceased Plaintiffs

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Nellis, Frieda	The Michael Brady Lynch Firm	L-8475-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Simpson, Ophelia	The Michael Brady Lynch Firm	L-7040-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Brown-Tokoly, Carol	Weitz & Luxenberg	L-7817-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Deavila, Gayle	Weitz & Luxenberg	L-9358-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Farber, Betty	Weitz & Luxenberg	L-11023-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Gannon, Barbara	Weitz & Luxenberg	L-7475-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Gash, Sondra	Weitz & Luxenberg	L-8232-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Girlando, Ruth	Weitz & Luxenberg	L-9682-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Guharoy, Tanima	Weitz & Luxenberg	L-9174-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Haselbush, Martha	Weitz & Luxenberg	L-9550-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Holley, Betty	Weitz & Luxenberg	L-6964-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Hutter, Deborah	Weitz & Luxenberg	L-7073-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Martin, Sylvia	Weitz & Luxenberg	L-8164-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Mayes, Doris	Weitz & Luxenberg	L-6985-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Ramone, Karen	Weitz & Luxenberg	L-9547-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Russo, Phyllis	Weitz & Luxenberg	L-7852-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Shepherd, Judy	Weitz & Luxenberg	L-7711-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Wilkinson, Jean	Weitz & Luxenberg	L-7075-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Willits, Bethel	Weitz & Luxenberg	L-8511-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Wuehr, Elfriede	Weitz & Luxenberg	L-8887-14	6/4/2024 - Letter Notice of Deceased Plaintiffs
Bowden, Mary Catherine	Westmoreland Vesper & Quattrone	L-7780-14	6/4/2024 - Letter Notice of Deceased Plaintiffs

EXHIBIT B

August 29, 2024 CMC Case Management Order: EXHIBIT B

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Fried, Donna	Anapol Law Firm	L-8756-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/3/2024 - Email from plaintiff counsel requesting 30 day extension 8/29/2024 - Email from plaintiff counsel indicating motion to amend will be filed this week
Frohlinger, Rhoda	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8393-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 7/15/2024 - Email from plaintiff counsel requesting 30 day extension 9/4/2024 - Email from plaintiff counsel indicating they will be filing a motion to substitute; they have a copy of the trust document
Adkins, Normalene	Beasley Allen	L-9501-14	6/3/2024 - Letter Notice of Deceased Plaintiffs 9/3/2024 - Email from plaintiff counsel indicating steps are underway to get a rep appointed and requesting that case be removed from Exhibit A
Ott, Theresa K.	Locks Law Firm LLC	L-6919-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating in process of obtaining estate representative documents
Svenson, Ursula	Locks Law Firm LLC	L-8921-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating in process of obtaining estate representative documents
Stahl, Marilyn	Matthews & Associates	L-9109-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 6/27/2024 - Email from plaintiff counsel requesting extension until 7/8/2024 7/9/2024 - Email from plaintiff counsel indicating in the process of obtaining letters of admin to substitute personal representative 9/3/2024 - Email from plaintiff counsel indicating probate action has been initiated and a motion to substitute will be filed soon
Wilson, Esther	Matthews & Associates	L-9090-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 6/27/2024 - Email from plaintiff counsel requesting extension until 7/8/2024 7/9/2024 - Email from plaintiff counsel indicating in the process of obtaining letters of admin to substitute personal representative (hearing in mid-July) 9/3/2024 - Email from plaintiff counsel indicating motion to substitute will be filed very soon

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Richmond, Eva	Napoli Shkolnik LLP	L-7907-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/29/2024 - Email from plaintiff counsel indicating plaintiff will move to amend complaint
Barnes, Ellen	Seeger Weiss	L-9331-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/27/2024 - Email from counsel indicating motion to amend to be filed 9/3/2024 - Email from counsel indicating motion to amend to be filed
Blume, Sandra	Seeger Weiss	L-7973-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/22/2024 - Email from counsel indicating that daughter is in the process of being appointed PR in Florida; requested to be removed from 8/2024 CMO because Florida court is slow; will revisit adding back to CMO
Oropeza, Polly	Seeger Weiss	L-8735-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 8/28/2024 - Email from counsel indicating that estate close to being opened; requested to be removed from list of cases subject to dismissal based on 9/3/2024 deadline
Pei, Chee	Seeger Weiss	L-7331-14	6/4/2024 - Letter Notice of Deceased Plaintiffs 9/12/2024 - Email from counsel indicating they will be filing a motion to substitute in the near future
Thune, Florence	Seeger Weiss	L-2373-15	6/3/2024 - Letter Notice of Deceased Plaintiffs 6/25/2024 - Email from plaintiff counsel indicating Beasley Allen is on this case with Seeger Weiss 9/3/2024 - Email from plaintiff counsel indicating steps are underway to get a rep appointed and requesting that case be removed from Exhibit A